

I hereby certify that this correspondence is being filed via
EFS-Web with the United States Patent and Trademark Office
on July 17, 2006.

PATENT
Attorney Docket No.: 20174C-004940US
Client Ref. No.: CIT 3484-CIP-CIP-CIP

TOWNSEND and TOWNSEND and CREW LLP

By: /Nina L. McNeill/
Nina L. McNeill

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CARL L. HANSEN et al.

Application No.: 10/637,847

Filed: August 7, 2003

For: MICROFLUIDIC PROTEIN
CRYSTALLOGRAPHY

Customer No.: 20350

Confirmation No. 3349

Examiner: Kunemund, Robert M.

Technology Center/Art Unit: 1722

RESPONSE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed April 17, 2006, please enter the
following.

Claims 21 – 34 have been examined and provisionally stand rejected on the
ground of nonstatutory obviousness-type double patenting as unpatentable over Claims 12 – 16
of U.S. Pat. Appl. No. 10/117,978,¹ over Claims 49 – 66 of U.S. Pat. Appl. No. 11/133,805, and

¹ It is believed that the indication in the Office Action that the rejection is over U.S. Pat. Appl. No. 10/117,976 is a
typographical error.

over Claims 1 – 9 of U.S. Pat. Appl. No. 11/056,451. A terminal disclaimer is being filed concurrently herewith to disclaim any term that would extend beyond the term of U.S. Pat. Appl. No. 10/117,978, which has an earlier filing date than the present application.

The only outstanding rejections are thus believed to be provisional obviousness-type double-patenting rejections over U.S. Appl. Nos. 11/133,805 and 11/056,451, both of which have later filing dates than the present application. In accordance with MPEP 804.I.B.1, withdrawal of those provisional rejections is accordingly requested (“If a ‘provisional’ nonstatutory obviousness-type double patenting ... rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer”).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/Patrick M. Boucher/

Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
PMB:pmb
60823476 v1